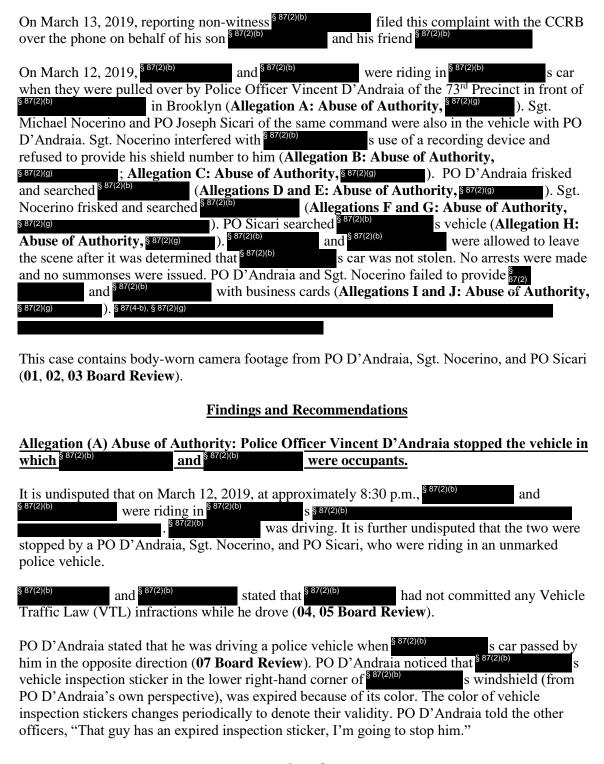
CCRB INVESTIGATIVE RECOMMENDATION

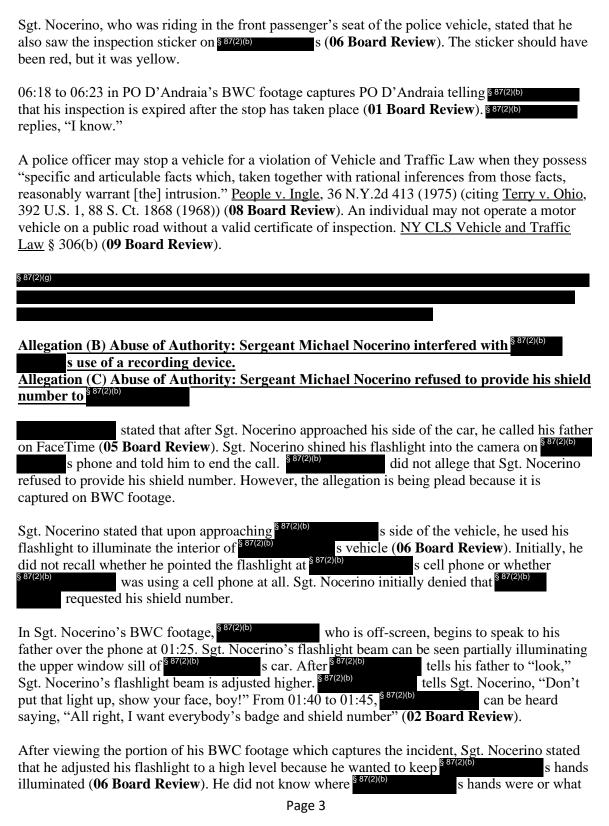
Investigator:	Tear	n:	CCRB Case #:		Force		Discourt.	☐ U.S.
Zev Carter	Squa	ad #3	201902270	V	Abuse		O.L.	☐ Injury
Incident Date(s)	Loca	ation of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Tuesday, 03/12/2019 8:30 PM	§ 87(2)	(b)			67	9/	/12/2020	4/29/2021
Date/Time CV Reported	CV	Reported At:	How CV Reported	1:	Date/Time	Rece	eived at CCI	RB
Wed, 03/13/2019 8:41 PM	CCF	RB	Phone		Wed, 03/1	3/201	9 8:41 PM]
Complainant/Victim	Type	Home Add	ress					
Witness(es)		Home Add	ress					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Joseph Sicari	18517	959230	073 PCT					
2. POM Vincent Dandraia	27309	957510	073 PCT					
3. SGT Michael Nocerino	00491	937192	073 PCT					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. POM Jeffrey Goris	17322	954887	073 PCT					
Officer(s)	Allegation				Inve	estiga	tor Recon	nmendation
A.POM Vincent Dandraia	Abuse: Police in which § 87(2)(occupants.	Officer Vincent an	D'Andraia stopped the nd § 87(2)(b) W	e vel vere	nicle			
B.SGT Michael Nocerino		ant Michael Noce of a recording dev	erino interfered with svice.	87(2)(b)			
C.SGT Michael Nocerino	Abuse: Sergea shield number	ant Michael Noce to § 87(2)(b)	erino refused to provid	de his	S			
D.POM Vincent Dandraia	Abuse: Police	Officer Vincent	D'Andraia frisked § 87	(2)(b)				
E.POM Vincent Dandraia	Abuse: Police	Officer Vincent	D'Andraia searched [§]	87(2)(b)			
F.SGT Michael Nocerino			erino frisked § 87(2)(b)					
G.SGT Michael Nocerino	Abuse: Sergea	nt Michael Noce	erino searched § 87(2)(b)					
H.POM Joseph Sicari	Abuse: Police which § 87(2)(b)		sicari searched the vel occupant.	hicle	in			
I.POM Vincent Dandraia	Abuse: Police § 87(2)(b)	Officer Vincent with a busi	D'Andraia failed to proness card.	rovid	le			
J.SGT Michael Nocerino	§ 87(2)(b)	mt Michael Noce with a busine	rino failed to provide ss card.	;				
	§ 87(4-b), § 87(2)(g)							

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)		

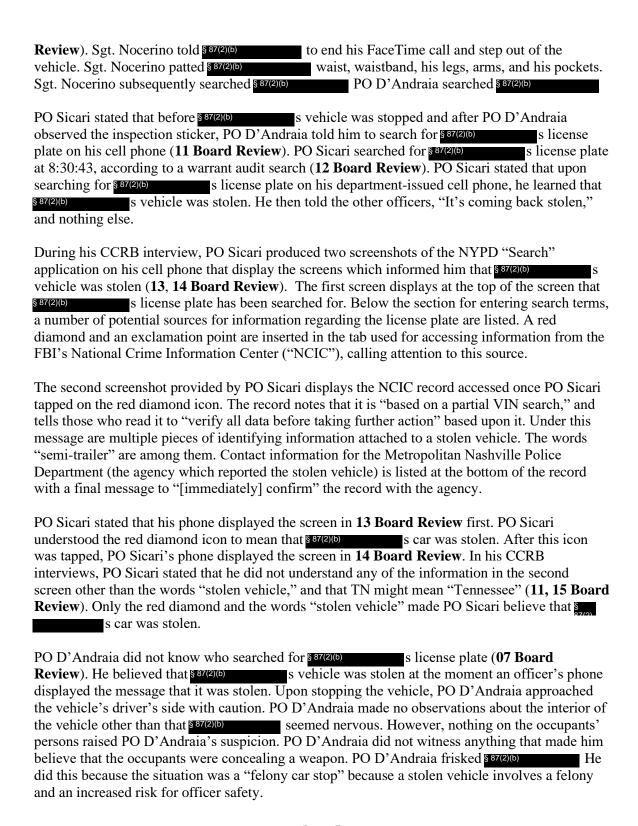
Case Summary

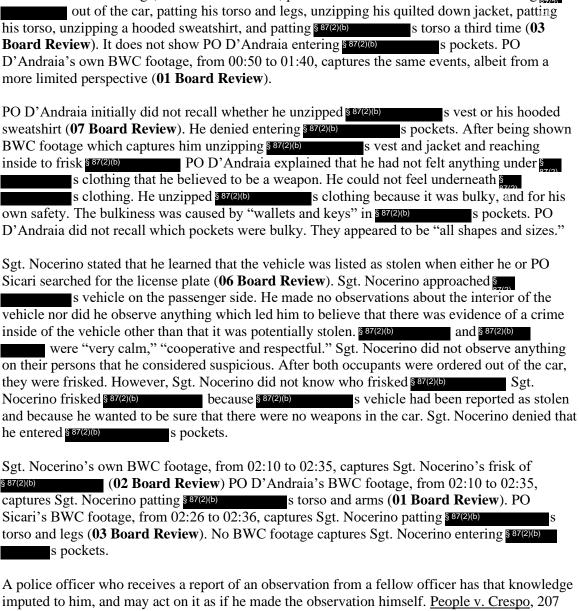


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was doing with them, during the time captured by the footage. Sgt. Nocerino wanted to be sure that \$87(2)(b) did not have weapons in his hands but \$87(2)(b) had done nothing that led Sgt. Nocerino to believe that he had a weapon. Finally, Sgt. Nocerino acknowledged that \$87(2)(b) requested his shield number but did not recall whether he ever provided it. Sgt. Nocerino stated that his BWC footage captures the entirety of his interaction with both \$87(2)(b) and \$87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
NYPD Patrol Guide Procedure 203-09 states that an officer is to courteously and clearly state their shield number or otherwise provide it to members of the public upon request (10 Board Review).
§ 87(2)(g)
Allegation (D) Abuse of Authority: Police Officer Vincent D'Andraia frisked
Allegation (E) Abuse of Authority: Police Officer Vincent D'Andraia searched \$87(2)(0)
Allegation (F) Abuse of Authority: Sergeant Michael Nocerino frisked 887(2)(b) Allegation (G) Abuse of Authority: Sergeant Michael Nocerino searched 887(2)(b)
stated that after the officers stopped his vehicle, PO D'Andraia approached his car door and told him to produce his identification and turn his vehicle off (04 Board Review). Solve the vehicle of PO D'Andraia opened solve that solve the vehicle, which he did. PO D'Andraia patted down solve to storso, waist, crotch and thigh area. He entered the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve to solve the vehicle of the pockets of solve the pockets of solve the vehicle of the pockets of solve the vehicle of the pockets of solve the pockets of solve the vehicle of the pockets of solve t
stated that he witnessed PO D'Andraia pat \$87(2)(b) s arms and legs and search an unspecified area on his person while he stood outside the driver's side door (05 Board Page 4





PO Sicari's BWC footage, from 00:55 to 01:40, provides a view of PO D'Andraia ordering

A.D.2d 668 [1994] (16 Board Review). Grand larceny auto is not considered to be a violent offense in and of itself. NYS Penal Law § 70.02 (27 Board Review)

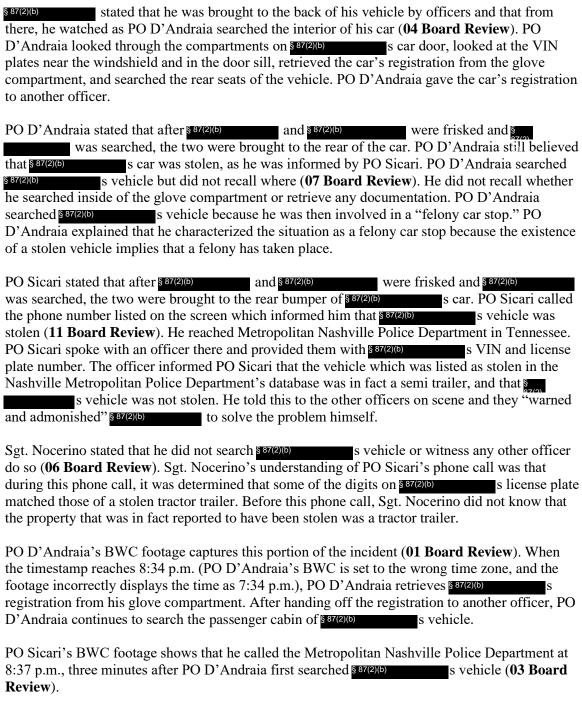
During a car stop, a police officer with founded suspicion that criminal activity is afoot may not frisk or search an occupant unless they have "knowledge of some fact or circumstance to support a reasonable suspicion" that an individual is armed or poses a threat. People v. Hill, 262 A.D.2d 870 (App. Div. 1999) 871 (32 Board Review).

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To conduct a protective pat frisk of the driver of a stopped vehicle, an officer "must have 'knowledge of some fact or circumstances that supports a reasonable suspicion that the suspect is armed or poses a threat to safety." People v. Driscoll, 101 A.D.3d 1466 (App. Div. 2012), citing People v. Batista, 88 N.Y.2d 650 (1996) (33 Board Review). Upon completion of a frisk, when an officer knows that a bulge on one's person is not a weapon, they may not continue to search the individual. People v. McGriff, 99 A.D.2d 818 (App. Div. 1984) (28 Board Review) When an officer has no knowledge of some fact or circumstance that supports a reasonable suspicion that the passenger of a stopped vehicle is armed or poses a threat to their safety, a frisk of the passenger will be improper. People v. Ford, 145 A.D.3d 1454 (App. Div. 2016) (29 Board Review)

§ 87(2)(g)
0.07/0\/\
§ 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
Allegation (H) Abuse of Authority: Police Officer Joseph Sicari searched the vehicle in
which § 87(2)(b) and § 87(2)(b) were occupants.
"TOTO GOOD PRINTED
It is undisputed that PO D'Andraia searched \$87(2)(b) searched \$87(2)(
frisked and § 87(2)(b) was searched.
was scarched.

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A police officer who receives a report of an observation from a fellow officer has that knowledge imputed to him, and may act on it as if he made the observation himself. <u>People v. Crespo</u>, 207 A.D.2d 668 [1994] (**16 Board Review**). If a police officer has reasonable belief that a vehicle is associated with a crime and that a search of said vehicle would "produce the fruits,"

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Lewis, 26 N.Y.2d 547 (17 Board Review). Allegation (I) Abuse of Authority: Police Officer Vincent D'Andraia failed to provide with a business card. Allegation (J) Abuse of Authority: Sergeant Michael Nocerino failed to provide with a business card. The following facts are also undisputed: PO D'Andria frisked and searched \$87(2)(b) and searched his vehicle. Sgt. Nocerino frisked § 87(2)(b) were eventually released from the location of the incident without receiving summonses or being arrested. PO D'Andraia and Sgt. Nocerino did not provide \$87(2)(b) with business cards at the conclusion of the incident. It is also undisputed that § 87(2)(b) an acquaintance of § 87(2)(b) arrived at the location shortly before the end of the incident. §87(2)(b) recorded a brief portion of the incident on video, which does not capture any FADOs. §87(2)(b) was unable to provide \$7(2) s email or mailing address. §87(2)(b) was unavailable to the investigation after contact attempts (see IA #202). PO D'Andraia stated that at the time of the incident, he knew nothing about the circumstances under which an officer is obligated to offer a business card to a civilian (07 Board Review). PO D'Andraia did not know whether he had been trained on the Right to Know Act at the time of the incident. Sgt. Nocerino stated that as the officers were returning to their cars, a male who he believed to be either § 87(2)(b) s father arrived on scene. Sgt. Nocerino provided this Page 9

instrumentalities, contraband or evidence" of a crime, they may conduct the search. People v.

male with a business card. The male told Sgt. Nocerino that he had no reason to stop scar, and Sgt. Nocerino explained the reason for the stop to him. Sgt. Nocerino acknowledged during his interview that officers are required to provide business cards at the conclusion of car stops (06 Board Review).
stated over the phone that he did not witness the incident (31 Board Review).
New York City Administrative Code § 14-174 states that officers provide individuals who are frisked and searched and whose vehicles are searched with business cards when related law enforcement activities, which do not result in arrest or summons, are concluded (18 Board Review).
§ 87(2)(g)
S 97/21/A)
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)
Civilian and Officer CCRB Histories
● § 87(2)(b)

	○ § 87(2)(b)		
	333(4)		
	_		
	§ 87(2)(b)		
	3 07 (=7(0)		
	_		
•	§ 87(2)(b)		
	was substantiated.	which was substantiated, and an allegation	on of a search which
		ember of service for four years and has b	een a subject in siv
•		ns, none of which were substantiated. § 87(2	
		,	
•		ember of service for 14 years and has bee	
	complaints and 38 allegation	ns, none of which were substantiated. § 87(2	!)(g)
			·
	Media	ation, Civil and Criminal Histories	
		•	
•	§ 87(2)(b) and § 87(2)(b)	1	
•	§ 87(2)(b) and § 87(2)(b)		•
		zure, and search, assault, battery, and the	
		ts and seeking \$500,000 as redress (23 Be hearing has not been scheduled.	aru Keview). As of
•		Court Administration (OCA), § 87(2)(b)	has no history
	of convictions in New York		J I I I I I I I I I I I I I I I I I I I
•		has no history of convictions in l	New York City (26
	Board Review).		
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Squad	Leader:		
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Reviewer:			
	Signature	Print Title & Name	Date